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12 *Attorneys for the Chapter 11
13 Debtors and Debtors in Possession*

14
15 UNITED STATES BANKRUPTCY COURT
16 EASTERN DISTRICT OF WASHINGTON

17 In re

18 EASTERDAY RANCHES, INC., *et al.*

19 Debtors.¹

20 Chapter 11

21 Lead Case No. 21-00141-WLH11
Jointly Administered

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**NOTICE OF HEARING ON
DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS
(DUPLICATE AND SATISFIED
CLAIMS)**

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PARTIES RECEIVING THIS NOTICE SHOULD REVIEW SCHEDULES 1 – 2 TO THE OBJECTION TO DETERMINE IF THEIR CLAIM IS SUBJECT TO THE OBJECTION. PARTIES WHOSE CLAIMS ARE LISTED IN SCHEDULES 1 – 2 ATTACHED TO THE OBJECTION MAY HAVE SUBSTANTIVE RIGHTS AFFECTED BY THIS OBJECTION, INCLUDING HAVING THEIR CLAIMS DISALLOWED AND EXPUNGED. ANY PARTY WHO DISPUTES THE PROPOSED TREATMENT OF THEIR CLAIM MUST FILE A RESPONSE TO THE OBJECTION IN ACCORDANCE WITH THE INSTRUCTIONS BELOW.

TO: THE PARTIES IDENTIFIED IN SCHEDULES 1 – 2
AND TO: THE CLERK OF THE BANKRUPTCY COURT
AND TO: UNITED STATES TRUSTEE
AND TO: THE HONORABLE WHITMAN L. HOLT

HEARING DATE: July 20, 2022
HEARING TIME: 1:30 p.m. (Pacific Time)
HEARING PLACE: Telephonic *via* conference call-in number: **(877) 402-9757**,
Access Code: **703-6041**

PLEASE TAKE NOTICE that on June 14, 2022, Easterday Ranches, Inc. and Easterday Farms, the above-captioned debtors and debtors in possession (the “Debtors”), through their undersigned counsel, filed the *Debtors’ Second Omnibus Objection to Claims (Duplicate and Satisfied Claims)* (the “Objection”) with the United States Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”). The Objection is on file with the Bankruptcy Court. The Objection is available, free of charge, on the Debtors’ creditor website at: <https://cases.creditorinfo.com/EasterdayRanches>.

Your claim may be eliminated. Through the Objection, the Debtors are seeking to have the claims of the parties identified in Schedules 1 – 2 to the Objection disallowed, expunged, or otherwise modified. You should read these papers carefully and discuss them with your attorney, if you have one.

PLEASE TAKE FURTHER NOTICE that, if you do not want the Bankruptcy Court to eliminate or change your claim, then on or before July 13, 2022 (the “Response Deadline”), you must file a written response to the Objection (a “Response”) with the United States Bankruptcy Court for the Eastern District of Washington, Room 304, 904 W. Riverside Avenue, Spokane, WA 99201. If you mail your Response to the

NOTICE OF HEARING ON
DEBTORS’ SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 1

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1 Bankruptcy Court for filing, you must mail it early enough so that the Bankruptcy Court
2 will actually receive it on or before the Response Deadline. At the same time, any party
3 submitting a Response must serve a copy of its Response upon the undersigned counsel
4 to the Debtors so as to be actually received on or before the Response Deadline.

5 **PLEASE TAKE FURTHER NOTICE** that any Response must contain, at a
6 minimum, the following:

- 7 (a) a caption setting forth the name of the Bankruptcy Court, the name of the
8 Debtors, the case number, and the title of the Objection to which the
9 Response is directed;
- 10 (b) the name of the claimant and his/her/its claim number;
- 11 (c) the specific factual basis and supporting legal argument upon which the
12 claimant will rely in opposing this Objection;
- 13 (d) any supporting documentation, to the extent it is not included in the proof of
14 claim previously filed with the Bankruptcy Court, upon which the party will
15 rely in order to support the basis for and amounts asserted in the proof of
16 claim; and
- 17 (e) the name, address, telephone number, and email of the person(s) (which
18 must be the claimant or the claimant's legal representative) with whom
19 counsel for the Debtors should communicate with respect to the claim or the
20 Objection and who possess authority to reconcile, settle, or otherwise
21 resolve the objection to the disputed claim on behalf of the claimant.

22 **PLEASE TAKE FURTHER NOTICE THAT A TELEPHONIC HEARING
23 WITH RESPECT TO THE OBJECTION WILL BE HELD ON JULY 20, 2022
24 AT 1:30 P.M. (PACIFIC TIME). PARTIES MAY PARTICIPATE IN SUCH
HEARING VIA CONFERENCE CALL-IN NUMBER: (877) 402-9757, ACCESS
CODE: 703-6041.**

25 **IF YOU FAIL TO RESPOND TO THE OBJECTION IN ACCORDANCE
26 WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE
27 RELIEF REQUESTED IN THE OBJECTION WITHOUT FURTHER NOTICE
OR OPPORTUNITY FOR A HEARING.**

28 **NOTICE OF HEARING ON
DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 2**

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1 **IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE**
2 **BANKRUPTCY COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE**
3 **OBJECTION TO YOUR CLAIM.**

4 Dated: June 14, 2022

BUSH KORNFELD LLP

5 */s/ Thomas A. Buford, III*

6

THOMAS A. BUFORD, III (WSBA 52969)
BUSH KORNFELD LLP

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10 *Attorneys for Debtors and Debtors in Possession*

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27 NOTICE OF HEARING ON
28 DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 3

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*Admitted *Pro Hac Vice*

12 *Attorneys for the Chapter 11
13 Debtors and Debtors in Possession*

14 UNITED STATES BANKRUPTCY COURT
15 EASTERN DISTRICT OF WASHINGTON

16 In re

17 EASTERDAY RANCHES, INC., *et al.*

18 Debtors.²

19 Chapter 11

20 Lead Case No. 21-00141-WLH11
21 Jointly Administered

**DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS
(DUPLICATE AND SATISFIED
CLAIMS); DECLARATION OF
LANCE E. MILLER**

22 Easterday Ranches, Inc. ("Ranches") and Easterday Farms, a Washington general
23 partnership ("Farms"), debtors and debtors in possession (collectively, the "Debtors")
24 in the above-captioned chapter 11 cases (collectively, the "Chapter 11 Cases"), by and

25 _____
26 ² The Debtors along with their case numbers are as follows: Easterday Ranches, Inc.,
27 (21-00141) and Easterday Farms, a Washington general partnership (21-00176).

28 DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 1

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1 through their undersigned counsel, file this objection (the “Objection”), pursuant to
2 section 502 of Title 11 of the United States Code (the “Bankruptcy Code”) and Rules
3 3007 and 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”)
4 seeking the entry of an order, substantially in the form attached hereto as Exhibit A (the
5 “Proposed Order”), disallowing and expunging the Duplicate Claims (defined below)
6 identified in Schedule 1, thereto, and the Satisfied Claims (defined below) identified
7 on Schedule 2, thereto. In support of this Objection, the Debtors respectfully submit
8 the declaration of Lance E. Miller (the “Miller Declaration”), attached hereto as Exhibit
9 B, and represent as follows:

JURISDICTION AND VENUE

This court has jurisdiction over the Objection pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334. This Objection is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

On February 1, 2021 (the “Ranches Petition Date”), Easterday Ranches, Inc. (“Ranches”) filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code before the United States Bankruptcy court for the Eastern District of Washington, Yakima Division (the “Bankruptcy Court”).

On February 8, 2021 (the “Farms Petition Date” together with the Ranches Petition Date, the “Petition Dates”), Easterday Farms (“Farms”) also filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code before the Bankruptcy Court.

The Debtors continue to operate and manage their business and affairs as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code and have substantially completed the wind down of their farming and ranching operations.

DEBTORS’ SECOND OMNIBUS OBJECTION TO CLAIMS – Page 2

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1 On February 16, 2021, the Office of the United States Trustee (the “U.S.
2 Trustee”) appointed the following creditors to the Ranches Official Committee of
3 Unsecured Creditors, as amended [Docket Nos. 152, 154, and 155] (the “Ranches
4 Committee”): (i) J.R. Simplot; (ii) Alto Nutrients; and (iii) Animal Health International.

5 On February 22, 2021, the U.S. Trustee appointed the following creditors to the
6 Farms Official Committee of Unsecured Creditors, as amended [Docket Nos. 187 and
7 188] (the “Farms Committee”): (i) Labor Plus Solutions, Inc.; (ii) The McGregor
8 Company; (iii) John Deere Financial; (iv) Dykman Electrical Inc.; (v) Two Rivers
9 Terminal; and (vi) Frank Bushman.

10 Information about the Debtors’ historical business operations, capital structure,
11 and the events leading up to the commencement of these Chapter 11 Cases is set forth
12 in the *Declaration of T. Scott Avila in Support of First Day Motions* [Docket No. 93]
13 (the “First Day Declaration”), which is incorporated herein by reference.

14 On February 12, 2021, the Bankruptcy Court entered an order [Docket No. 139]
15 which, among other things, established May 28, 2021 (the “General Claims Bar Date”)
16 as the deadline by which creditors, other than governmental units, must file a proof of
17 claim with respect to both Debtors and August 9, 2021 (the “Governmental Unit Bar
18 Date”) as the deadline by which governmental units must file a proof of claim with
19 respect to both Debtors.

20 On April 9, 2021, the Debtors each filed their respective Statements of Financial
21 Affairs and Schedules of Assets and Liabilities. *See Docket Nos. 541, 542, 547.*

22 On July 20, 2021, the Bankruptcy Court entered the *Order (A) Authorizing the*
23 *Debtors to Acquire Certain Assets Owned by the Easterdays; (B) Authorizing the Sale*
24 *of Property Free and Clear of Interests, Including Liens, Claims, Liabilities, and*
25 *Encumbrances; (C) Granting the Buyer the Protections Afforded to a Good Faith*
26 *Purchase; (D) Approving the Assumption and Assignment of Executory Contracts and*

27
28 DEBTORS’ SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 3

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1 *Unexpired Leases; and (E) Granting Related Relief* [Docket No. 927] (the “Sale
2 Order”). The Sale Order approved, *inter alia*, the sale of substantially all of the Debtors’
3 real property assets and personal property assets (other than rolling stock) located in
4 Benton County to Farmland Reserve, Inc. (the “Sale”). Upon information and belief,
5 at the closing of the Sale, all cure amounts for the executory contracts and unexpired
6 leases that were assumed and assigned pursuant to the Sale Order were paid to each of
7 the counterparties thereto, as applicable.

RELIEF REQUESTED

9 By this Objection, the Debtors seek to disallow and expunge each of the
10 Duplicate and Satisfied Claims, pursuant to section 502 of the Bankruptcy Code and
11 Bankruptcy Rules 3007 and 9014, as set forth below.

OBJECTION

13 1. As set forth in the Miller Declaration, the Debtors and their professionals
14 have examined each of the claims identified as a “Claim to Be Disallowed” (the
15 “Duplicate Claims”) in Schedule 1 to the Proposed Order and have determined that
16 each such claim duplicates amounts sought in each of the claims identified as a
17 “Surviving Claim.” With the exception of the claims filed by Shaw Horn Rapids, LLC
18 (“Shaw”) and CE Capital, LLC (“CEC”), each of the claims (the “Satisfied Claims”)
19 identified in Schedule 2 to the Proposed Order has been satisfied by check as indicated
20 therein. The Satisfied Claim by Shaw was cured in connection with the Sale and
21 therefore satisfied pursuant to the Sale Order. Similarly, CEC’s claim was satisfied by
22 stipulation [Docket No. 1314], which was approved by the court [Docket No. 1319].

23 Failure to disallow the Duplicate Claims or Satisfied Claims will result in the
24 applicable claimant receiving a recovery to which they are not entitled to the detriment
25 of similarly situated creditors. The relief requested herein is necessary to prevent any
26 inappropriate distribution of estate funds and to facilitate the administration of the

27 DEBTORS’ SECOND OMNIBUS
28 OBJECTION TO CLAIMS – Page 4

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1 claims allowance and reconciliation process. Accordingly, the Debtors respectfully
2 request that the court enter the order disallowing and expunging each Duplicate and
3 Satisfied Claim.

4 **SEPARATE CONTESTED MATTERS**

5 To the extent that a response is filed regarding any claim that is the subject of this
6 Objection and the Debtors are unable to resolve the response, each such claim, and the
7 objection to each such claim, asserted herein shall constitute a separate contested matter
8 as contemplated by Bankruptcy Rule 9014. Any order entered by the court regarding
9 any objection asserted in the Objection shall be deemed a separate order with respect to
10 such claim.

11 **RESPONSES TO THE OBJECTION**

12 To contest an objection, a claimant must file and serve a written response to this
13 Objection (a “Response”) so that it is received by the court and counsel for the Debtors
14 no later than July 13, 2022.

15 Every Response to this Objection must contain, at a minimum, the following
16 information: (i) a caption setting forth the name of the court, the name of the Debtors,
17 the case number, and the title of the Objection to which the Response is directed; (ii)
18 the name of the claimant and his/her/its claim number; (iii) the specific factual basis
19 and supporting legal argument upon which the claimant will rely in opposing this
20 Objection; (iv) any supporting documentation, to the extent it is not included in the
21 proof of claim previously filed with the court, upon which the party will rely in order
22 to support the basis for and amounts asserted in the proof of claim; and (v) the name,
23 address, telephone number, and email of the person(s) (which must be the claimant or
24 the claimant’s legal representative) with whom counsel for the Debtors should
25 communicate with respect to the claim or the Objection and who possess authority to

27
28 DEBTORS’ SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 5

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reconcile, settle, or otherwise resolve the objection to the disputed claim on behalf of the claimant.

The Debtors may, at their option, file and serve a reply to a claimant's response, if any, no later than one day prior to the hearing to consider this Objection.

RESERVATION OF RIGHTS

The Debtors hereby reserve the right to amend, modify, and/or supplement this Objection. Further, if the relief requested in this objection is not granted, the Debtors hereby reserve the right to file additional objections to the claims listed on Schedules 1 – 2 hereto.

CONCLUSION

WHEREFORE, the Debtors respectfully requests that the court enter the Proposed Order granting the relief requested and grant such other and further relief as may be just and proper under the circumstances.

Dated: June 14, 2022

BUSH KORNFELD LLP

/s/ Thomas A. Buford, III

THOMAS A. BUFORD, III (WSBA 52969)
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Attorneys for Debtors and Debtors in Possession

**DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS – Page 6**

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1
2 **EXHIBIT A**
3 **(Proposed Order)**
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PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
SAN FRANCISCO, CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re
EASTERDAY RANCHES, INC., *et al.*
Debtors.¹

Chapter 11`
Lead Case No. 21-00141-WLH11
Jointly Administered

ORDER GRANTING DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS (DUPLICATE AND SATISFIED CLAIMS)

This matter came before the court on the *Debtors' Second Omnibus Objection to Claims (Duplicate and Satisfied Claims)* [Docket No. •] (the “Objection”). Capitalized terms not defined in this Order shall have their meanings as set forth in the Objection. Appearances were as noted on the record.

This court has found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and has authority to enter a final order consistent with Article III of the United States Constitution; that venue of this proceeding and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and that the notice of the

¹ The Debtors along with their case numbers are as follows: Easterday Ranches, Inc. (21-00141) and Easterday Farms, a Washington general partnership (21-00176).

**ORDER GRANTING DEBTORS'
SECOND OMNIBUS OBJECTION –**

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1 Objection was appropriate under the circumstances and no other notice need be
2 provided. Having reviewed the Objection and all documents filed in support of or
3 opposition thereto, and having heard the statements of counsel at a hearing before this
4 court (the “Hearing”); and this court having determined that the legal and factual bases
5 set forth in the Objection and at the Hearing establish just cause for the relief granted
6 herein,

7 **IT IS HEREBY ORDERED THAT:**

- 8 1. The Objection [Docket No. •] is granted as set forth herein.
- 9 2. Each Duplicate Claim identified on Schedule 1 hereto as a “Claim to be
10 Disallowed” is hereby disallowed and expunged in its entirety.
- 11 3. Each Satisfied Claim identified on Schedule 2 hereto is hereby disallowed
12 and expunged in its entirety.
- 13 4. The objection to each claim addressed in the Objection constitutes a
14 separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall
15 be deemed a separate order with respect to each claim. Any stay of this Order pending
16 appeal by any of the claimants subject to this Order shall only apply to the contested
17 matter that involves such claimant and shall not act to stay the applicability and/or
18 finality of this Order with respect to the other contested matters covered hereby.
- 19 5. The Debtors and the Clerk of Court are authorized and directed to update
20 the claim register consistent with the terms of this Order and further authorized to take
21 such action as may be necessary or appropriate to implement the terms of this Order.
- 22 6. Notwithstanding anything in the Bankruptcy Code or Bankruptcy Rules to
23 the contrary, this Order shall be effective upon entry.
- 24 7. This court shall retain exclusive jurisdiction and power over all affected
25 parties with respect to any matters, claims, or rights arising from or related to the
26 implementation and interpretation of this Order.

27
28 **ORDER GRANTING DEBTORS’
SECOND OMNIBUS OBJECTION –
Page 2**

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1 /// End of Order ///

2 Presented by:

3
4 THOMAS A. BUFORD, III (WSBA 52969)
5 BUSH KORNFELD LLP

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27 ORDER GRANTING DEBTORS'
28 SECOND OMNIBUS OBJECTION –
Page 3

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21-00176-WLH11 Doc 89 Filed 06/14/22 Entered 06/14/22 11:29:16

Pg 14 of 18

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2 **SCHEDULE 1**
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4 **DUPLICATE CLAIMS**

Claimant	Claim to be Disallowed		Surviving Claim		Claim Amount
	Debtor	Claim No.	Debtor	Claim No.	
A-1 Industrial Supply	Ranches	20	Farms	17	\$317.50
Alto Nutrients, LLC f/k/a Pacific Ag Products, LLC	Ranches	52	Ranches	57	\$268,971.05
Basin City Auto Parts, Inc. (assigned to Jeffries Leveraged Credit Products, LLC [Docket No. 73])	Farms	113	Farms	115	\$24,200.64
C & E Trenching, LLC	Farms	21	Farms	22	\$5,960.52
M & M Bolt Co., LLC	Ranches	12	Farms	157	\$10,187.17
Taylor Automotive, Inc. d/b/a Clearwater NAPA	Farms	09	Ranches	10	\$28,610.36
THM Management Co. d/b/a Pasco Auto & Truck Parts NA	Farms	12	Farms	13	\$11,727.33
Viterra Canada Inc.	Farms	85	Farms	114	\$77,680.08
Viterra Canada Inc.	Ranches	37	Ranches	49	\$69,834.36

1
2 **SCHEDULE 2**
34 **SATISFIED CLAIMS**
5

Claimant	Debtor	Claim No.	Amount of Claim	Basis for Objection
Cascade Earth Sciences Ltd.	Ranches	27	\$3,507.85	Paid by Non-Debtor Easterday Dairy, LLC on April 15, 2021 by Check No. 1371
CE Capital, LLC	Farms	3	\$179,480.37	Satisfied pursuant to Stipulation [Docket No. 1314], as Ordered [Docket No. 1319]
FreedomCare Insurance Company	Farms	88	\$13,381.81	Paid by Easterday Ranches, Inc. on March 3, 2021 by Check No. 58405
Noland Door Co., Inc.	Farms	19	\$11,675.59	Paid by Non-Debtor Easterday Dairy, LLC on April 15, 2021 by Check No. 1369
Rangeview Ag Labor LLC	Ranches	26	\$946.28	Paid by Easterday Ranches, Inc. on January 22, 2021 by Check No. 58338
Shaw Horn Rapids, LLC	Ranches	31	\$306,000.00	Cured in accordance with Sale Order [Docket No. 927]

EXHIBIT B

DECLARATION OF LANCE E. MILLER

I, Lance E. Miller, declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

2. I am a partner of Paladin Management Group, LLC and have been providing supplemental service and assistance to Peter Richter and T. Scott Avila in their capacities as the co-Chief Restructuring Officers of the above-captioned debtors and debtors in possession (together, the "Debtors"). I am generally familiar with the Debtors' business and financial affairs, and books and records. I am over 18 years of age and I am competent to testify to the facts and circumstances set forth herein.

3. I am authorized to submit this declaration (the “Declaration”) on behalf of the Debtors. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge of the Debtors’ operations and finances, information learned from my review of relevant documents, and information I have received from the Debtors’ advisors and employees. If I were called upon to testify, I could and would testify competently to the facts set forth herein on that basis.

4. I submit this Declaration in support of that certain *Debtors' Second Omnibus Objection to Claims (Duplicate and Satisfied Claims)* (the "Objection"). All capitalized terms not defined herein have the meaning ascribed to them in the Objection.

5. I have examined each of the claims identified as a “Claim to Be Disallowed” (the “Duplicate Claims”) in **Schedule 1** to the Proposed Order and have determined that each such claim duplicates amounts sought in each of the claims identified as a “Surviving Claim.” With the exception of the claims filed by Shaw Horn Rapids, LLC (“Shaw”) and CE Capital, LLC (“CEC”), I believe each of the Satisfied Claims has been satisfied by check as indicated in **Schedule 2** to the Proposed Order.

1 The claim by Shaw was cured in connection with the Sale and therefore satisfied
2 pursuant to the Sale Order. I believe CEC's claim was satisfied by stipulation [Docket
3 No. 1314], which was approved by the court [Docket No. 1319].

4 6. I believe that the failure to disallow the Duplicate or Satisfied Claims will
5 result in the applicable claimant receiving a recovery to which they are not entitled to
6 the detriment of similarly situated creditors. The relief requested in the Objection is
7 necessary to prevent any inappropriate distribution of estate funds and to facilitate the
8 administration of the claims allowance and reconciliation process. Accordingly, I
9 believe that the court should enter the order disallowing and expunging each
10 Duplicate and Satisfied Claim.

11 I declare under penalty of perjury under the laws of the State of Washington that
12 the foregoing is true and correct.

13
14 Dated: June 14, 2022

/s/ Lance E. Miller

Lance E. Miller